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[Additional defendants and counsel listed on signature pages]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 IN RE TFT-LCD (FLAT PANEL)
2 ANTITRUST LITIGATION) Master File No. M07-1827 SI
3 _____)
4 This Document Relates to:) MDL No. 1827
5 All Actions) CLASS ACTION
6)
7) STIPULATION AND [PROPOSED]
8) ORDER REGARDING PROCEDURES
9) GOVERNING EXPERT DISCOVERY

1 The Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs and Defendants agree as
 2 follows regarding the timing and scope of any expert discovery in this case, and hereby agree and
 3 submit this stipulation and proposed order:

4 1. Subject to the provisions of paragraph 2 herein, within 3 business days of any
 5 party serving any expert reports and/or expert declarations in this case pursuant to Fed. R. Civ. P.
 6 26(a)(2)(B), the party or parties proffering the expert witness shall produce all other documents
 7 and/or information required by Rule 26(a)(2)(B), namely “the data or other information
 8 considered by the witness in forming the [expert’s] opinions; any exhibits to be used as a
 9 summary of or support for the opinions; the qualifications of the witness, including a list of all
 10 publications authored by the witness within the preceding ten years; the compensation to be paid
 11 for the study and testimony; and a listing of any other cases in which the witness has testified as
 12 an expert at trial or by deposition within the preceding four years.” “[D]ata or other information
 13 considered” shall include, but is not limited to, raw data, spreadsheets, computerized regression
 14 analyses and/or other underlying reports and schedules sufficient to reconstruct the expert’s work,
 15 calculations, and/or analyses. Information can be produced electronically (via email or disc)
 16 where appropriate. Any schedules, charts, tables, or other graphical presentations used to
 17 summarize or support the expert’s opinion or relied on by the expert shall be produced in native,
 18 electronic format using commercially available software. Where documents have previously
 19 been produced as part of the discovery in this case, a list of such documents by Bates number is
 20 sufficient. As to other documents considered by the expert, those documents should be produced
 21 except where widely-available publicly without undue expense (such as on the internet, or in
 22 major university libraries).

23 2. The following types of information shall not be the subject of discovery: (1) the
 24 content of communications among and between: (a) counsel and expert; (b) counsel and experts’
 25 staff; (c) experts and other experts or consultants; and/or (d) experts and their respective staff, and
 26 (2) notes, drafts, or other types of preliminary work created by, or for, experts. The foregoing
 27 exclusions from discovery do not apply to any communications or documents, upon which the
 28 experts rely as a basis for their opinions/reports. The foregoing exclusions also do not apply to

1 Dated: October 9, 2008

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7
8 Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of
9 this document has been obtained from: Francis O. Scarpulla, Joseph M. Alioto, Bruce L. Simon,
10 Richard M. Heimann, Christopher A. Nedeau; Steven F. Cherry, Joel S. Sanders, Kevin C.
11 McCann; Hugh F. Bangasser; Kent M. Roger; Michael R. Lazerwitz; George D. Niespolo; James
12 L. McGinnis; Jacob R. Sorensen, Bruce H. Jackson and Wayne A. Cross.

13 SO ORDERED.

14
15 DATED: _____
16 10/10/08



17 Honorable Susan Illston
United States District Judge
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